

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

THE HILLMAN GROUP, INC.,

Plaintiff,

v.

KEYME, LLC,

Defendant.

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CIVIL ACTION NOS. 2:19-CV-00209-JRG
2:20-CV-00070-JRG

ORDER


The parties informed the Court at the pretrial conference of a late-breaking issue that would prevent Hillman’s damages expert, Mr. Schoettelkotte, from testifying at trial. The parties met and conferred, and now pending before the Court is Hillman’s Unopposed Motion for Substitution of Damages Expert Witness (the “Motion for Substitution”). (Dkt. No. 280). In the Motion for Substitution, Hillman seeks leave to substitute Mr. Schoettelkotte with Barry L. Bell. Mr. Bell will adopt Mr. Schoettelkotte’s expert reports and deposition testimony in full and will be bound by the same as if originally given by him. The parties further agree to waive the 10-day notice period imposed by the Protective Order (Dkt. No. 94 ¶ 5(d)) for disclosure of restricted information and agree to permit Mr. Bell’s immediate review of restricted information. Having considered the Motion for Substitution, and noting that it is unopposed, the Court is of the opinion that it should be and hereby is **GRANTED**.

Accordingly, it is **ORDERED** as follows:

- Hillman is permitted to substitute W. Todd Schoettelkotte with Barry L. Bell;
- The existing expert reports and deposition testimony (from W. Todd Schoettelkotte) shall be binding on Barry L. Bell as if originally given by the same; and

- Neither party shall refer to W. Todd Schoettelkotte, his replacement by Barry L. Bell, the fact that Barry L. Bell did not prepare the existing reports or give the existing depositions, or anything disclosing this substitution, in front of the jury without prior leave of Court.

So ORDERED and SIGNED this 26th day of March, 2021.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE